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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 WASHINGTON HEALTH CARE  
12 ASSOCIATION,

13 Plaintiff,

14 v.

15 ROBIN ARNOLD-WILLIAMS, et al,

16 Defendant.  
17

Case No. C08-5427RJB

ORDER MODIFYING  
DECLARATORY JUDGMENT

18 This matter comes before the court on the parties' Joint Statement re Order to Show Cause.  
19 Dkt. 46. The court has reviewed the relevant records, and the file herein.

20 On January 14, 2009, the court entered an order (1) granting Washington Health Care  
21 Association's motion for summary judgment; and (2) granting a declaratory judgment that provided  
22 that RCW 18.20.440(1), (3), and (6)(a) and (b) are unconstitutional insofar as these provisions require  
23 boarding homes that had provider agreements in effect on March 28, 2008, and that withdrew from  
24 the Medicaid program after March 28, 2008, while those agreements were in effect, to continue to  
25 provide services to residents receiving Medicaid on the date of withdrawal (from Medicaid) and to  
26 private-pay residents who become eligible for Medicaid within 180 days of withdrawal (from  
27 Medicaid) because these provisions violate the U.S. const. art. 1, § 10, the Contract Clause of the  
28 United States Constitution; and (3) ordering the parties to show cause why judgment should not be

1 entered in favor of WHCA and the case closed. Dkt. 45.

2 On January 22, 2009, the parties filed a Joint Statement re Order to Show Cause, (1) informing  
3 the court that neither party intends to show cause why judgment should not be entered in favor of  
4 WHCA and the case closed; and (2) requesting that the court clarify the January 14, 2009 order by  
5 modifying the declaratory judgment. Dkt. 46.

6 The parties have shown good cause for modifying the court's January 14, 2009 order on  
7 motions for summary judgment. Accordingly, the declaratory judgment entered in this case is hereby  
8 modified to provide as follows:

9 Therefore, it is hereby

10 **ORDERED** that Plaintiff's Motion for Partial Summary Judgment on First Cause of Action  
11 (Dkt. 14) is **GRANTED**, and a declaratory judgment is **GRANTED** as follows: RCW  
12 18.20.440(1), (3) and 6(a) and (b) are unconstitutional as applied to all boarding homes that  
13 had provider agreements in effect on March 28, 2008, while those agreements remain in effect,  
because these provisions violated the U.S. const. Art. 1, sec. 10, the Contract Clause of the  
United States Constitution.

14 Judgment is hereby **ENTERED**, and this case is closed.

15 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to  
16 any party appearing *pro se* at said party's last known address.

17 DATED this 23<sup>rd</sup> day of January, 2009.

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20 ROBERT J. BRYAN  
United States District Judge